



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: CardioMetrix
File: B-256925
Date: April 7, 1994

DECISION

CardioMetrix protests the award of a contract to Abercrombie Radiological by the Department of Veterans Affairs under request for proposals (RFP) No. 626-50-93.

The protest, as filed with our Office, does not state a valid basis for challenging the agency's action and, accordingly, must be dismissed.

Our Bid Protest Regulations require that a protest include a detailed statement of the legal and factual grounds of a protest, 4 C.F.R. § 21.1(c)(4) (1993), and that the grounds stated be legally sufficient. 4 C.F.R. § 21.1(e). These requirements contemplate that protesters will provide, at a minimum, either allegations or evidence sufficient, if uncontradicted, to establish the likelihood that the protester will prevail in its claim of improper agency action. Robert Wall Edge--Request for Recon., 68 Comp. Gen. 352 (1989), 89-1 CPD ¶ 335.

The protester's assertion that it should receive award solely because it offered a lower price than Abercrombie fails to state a valid basis for protest. In a negotiated procurement, unless the RFP so specifies, there is no requirement that award be based on lowest price. National Medical Staffing, Inc., B-242506, Feb. 8, 1991, 91-1 CPD ¶ 144. Since the protester fails to explain why its proposal was more advantageous to the agency than the proposal of Abercrombie, or alternatively, to explain that the agency was seeking the lowest-priced offeror, the protest does not show that the agency violated any procurement law or regulation.

The protest is dismissed.

A handwritten signature in cursive script that reads "Ralph O. White".

Ralph O. White
Acting Assistant General Counsel